

## SCHEDULE.

See Section 25.

Form of Oath or affirmation to be taken or made by an Adviser.

"I.....havi  
ng  
been nominated (or elected) as an Adviser to the Ruler of Chitral do solemnly swear (or affirm)  
that saving the faith and allegiance which I owe to the Constitution of Pakistan as by law  
established, I will be faithful and bear true allegiance to the Ruler of the State, his heirs and  
successors.

By order of the Governor, N.-W.F.P.,  
M. A. SHAH,  
Assistant Secretary, Political,  
for Chief Secretary to Government,  
North-West Frontier Province.

Printed and Published by the Manager, Govt. Ptg. & Staty.,  
North-West Frontier Province.

### Government Gazette

North-West Frontier Province

EXTRAORDINARY

Published by Authority

PESHAWAR, TUESDAY, THE 29TH SEPTEMBER, 1953

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GAZETTE.

NOTIFICATION.

No. 2482-S. Sts-172. dated the 26th September, 1953.

GOVERNMENT OF CHITRAL (INTERIM CONSTITUTION).  
ACT, 1953.

*An act to make further provision for the Government of the State  
of Chitral until such time as the new Constitution of Pakistan  
is promulgated*

## PART I-INTRODUCTORY.

### Preamble-

WHEREAS it has always been my will and pleasure increasingly to associate the people of the State in the administration of its affairs with view to the progressive realisation of the goal of responsible Government in the State as a federated unit of Pakistan.

AND WHEREAS it is expedient to make an interim arrangement in the State;

It is hereby enacted as follows:-

### Short title and commencement-

1. (1) This Act may be called the Government of Chitral (Interim Constitution) Act, 1953.

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(2) it shall come into force at once.

### Repeals-

2. Upon the commencement of the Act, all enactments and rules having the force of law which provide for or relate to the Government of Chitral and are in force immediately, before such commencement shall stand repealed and abrogated to the extent of the repugnancy to any provision of this Act.

### Definitions-

3. (1) In this Act unless the context otherwise requires the following expressions have meaning hereby assigned to them that is to say:-

“The Constitution Act” means the Government of India Act 1935, and includes any other Act by whatever title called which provides for the constitution of Pakistan;

“The Federation” means the Federation of Pakistan and the word “Federal” shall be construed accordingly;

“The Governor-General” means the Governor-General of Pakistan;

“The Instrument of Accession” means the Instrument of Accession executed by the Mehtar of Chitral, on behalf of the State, and accepted by the Governor-General of Pakistan, under Section 6 of the Constitution Act, and includes all Supplementary Instrument of Accession similarly executed and accepted;

“The Mehtar” means the Mehtar of the State of Chitral,

“the State”, means the State of Chitral;

“Federal Legislature” means the Federal Legislature of Pakistan;

“Council” means Council of Advisors;

(2) In this Act unless the context otherwise requires other expressions defined in the Constitution Act, shall have meanings assigned to them in that Act.

## PART-II

### The present Mehtar of the State-

4. His Highness Mehtar Saifur Rehman, Mehtar of Chitral, shall be the Ruler under this Act.

### Office of the Ruler-

5. The office of the Ruler shall be hereditary and in the event of its becoming vacant shall be filled by a person in the male line of descent of the present Ruler in accordance with family usage or custom and recognised by the Governor-General as the Ruler

**Powers of the Ruler-**

6. All rights, authority and jurisdiction heretofore belonging to the Ruler which appertain or are incidental to the Government of the State, for the time being vested in him are exercisable by the Ruler, except in so far as may be otherwise provided by or under this Act:-

Provided that any powers connected with the exercise of the functions of the Ruler may be exercised during his absence from the state or otherwise by a person acting under the authority of the Ruler and appointed by him in this behalf with the concurrence of the Governor-General.

**Privy Purse-**

7. The Ruler shall be entitled to receive annually out of the revenues of the State, on account of his privy purse such an amount as may be agreed upon between him and the Governor-General which amount shall at no time be less than the amount drawn by him at the time of the coming into force of this Act. to enable him to discharge conveniently and with dignity the duties of his office.

**PART III- THE STATE.**

**Status of the State-**

8. (1) The State shall be a federated State of Pakistan in accordance with the provision of Sections 6 of the Constitution Act.

(2) The Constitution of Pakistan to be framed by the Constituent Assembly of Pakistan shall be the Constitution for the State as for the other parts of Pakistan and shall be enforced by the Ruler for the time being in accordance with the tenor of its provisions and the provisions of the said constitution shall, as from the date of its commencement supersede and abrogate all other constitutional provisions inconsistent therewith which may be in force in the State at that time.

**PART IV- EXECUTIVE AUTHORITY AND ADMINISTRATION  
OF AFFAIRS OF THE STATE.**

**Executive authority-**

9. The executive authority of the State shall be exercised by the Ruler either directly or through officers subordinate to him but nothing in this section shall prevent the Federal Legislature from conferring functions upon the subordinate authorities or be deemed to transfer to the Ruler any functions conferred by any existing law on any court, judge or officer or on any local or an other authority.

**Wazir or the Chief Adviser-**

10. The Ruler shall appoint with the previous concurrence of the Governor-General a Chief Adviser to be known as the Wazir who shall advise the Ruler in the exercise of his functions with respect to which he is required by this Act to act in his discretion or in the exercise of his individual judgement.

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11. The Wazir shall be appointed for such term and on such salary and conditions of service as may be fixed by the Ruler with the previous approval of the Governor-General and shall not be removed from office before the expiry of that term nor shall his salary or conditions of service be varied during the term of his office except with the previous approval of the Governor General.

12. The Wazir shall be the chief executive authority of the State for and on behalf of the Ruler and responsible to the Ruler for efficient administration of the affairs of the State.

13. The Ruler may delegate to the Chief Adviser such other functions as are exercisable by him under this Act

## PART V - COUNCIL OF ADVISERS.

### Council of Advisers-

14. (1) There shall be a Council of Advisers to aid and advise the Ruler in the exercise of its functions except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion ;

Provided that nothing in this sub-section shall be construed as preventing the Ruler from exercising his individual judgment in any case where by or under this Act he is required to do so.

(2) In the exercise of his discretion or individual judgement the Ruler shall be guided by such special or general directions as may from time to time be issued by him by the Governor-General.

(3) If any question arises whether any matter is or is not a matter as respect to which the Ruler is by or under this Act required to act in his discretion or to exercise his individual judgement the decision of the Governor-General shall be final, and the validity of anything be called in question on the ground that he ought or ought not to have acted in this discretion, or ought not to have exercised his individual judgement.

### Constitution of Council-

15. (1) The Council shall consist of the Chief Adviser who shall be President of the Council and 10 Advisers half to be nominated by the Ruler and the other half elected.

(2) In making nominations under sub-section (1) the Ruler shall ensure that adequate representation on the Council is given to all important interests in the State.

(3) No person who does not ordinarily reside in the State shall be nominated as an Adviser.

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### Term of Council-

16. (1) The term of the Council shall be three years.

(2) The Ruler may on the advice of the Chief Adviser remove any nominated Adviser before the expiry of his term.

(3) Any vacancy occurring in the Council through the death, resignation or removal of an adviser shall be filled by the Ruler.

### Function of Council-

16-(A) The Council shall advise the Ruler on :-

- matters of general policy relating to the administration schemes of development and proposals for legislation but not on matter with respect to which he is required by this act to act in his discretion or in the exercise of his individual judgement.
- financial matter, including proposals for budget estimates;
- questions affecting the implementation of general policy and schemes of development;
- such other matters as the Ruler may refer to it for advice.

### Disputes as to functions-

17. In the case of dispute as to whether any matter falls within the scope of sub-section (a) to (d) of Section 16, the matter shall be referred to the Ruler whose decision shall be final.

### Powers of Council-

18. (1) For the purposes set out in Section 16 any Adviser may propose a resolution and ask any question.

(2) The rights and privileges of the Advisers in regard to resolutions and interpellations shall be similar to those of the members of the Federal Legislature.

Provided that the President may in the public interest prohibit the discussion of or the asking of questions on or giving of information in relation to any matter.

**Powers to co-opt officials-**

19. The Chief Adviser may request any officer of the Government of the North-West Frontier Province who may be concerned with any matter which the Council may have under consideration to attend and place before the council all facts relating to the matter under consideration and to tender advice thereon. An officer attending shall be subject to the prohibitions and obligations laid down upon him by the official Secrets Act and the Public Service Conduct Rules and shall not be entitled to vote.

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**Due weight to be given to the advice of the Council-**

20. The Ruler shall in making his decisions give due weight to the advice given to him by the Council and in making his recommendations to the Governor-General on any subject which has been before the Council shall state the substance of the advice given by the Council.

**Secretariat of Council-**

21. (1) The Council shall have a full time paid Secretary and a paid Secretariat Staff.  
Advisers.  
(2) The Secretary and members of his staff shall not be eligible to nomination as Advisers.

**Allowances for Advisers-**

22. (1) The Advisers shall be entitled to receive such allowances as may be fixed by the Ruler.  
(2) Any Allowance so fixed shall not be varied to his disadvantage during an Adviser's term of office without his consent.

**Ruler of Procedure-**

23. (1) Subject to the provisions of sub-sections (2) and (3) of this Section the Council shall frame its own Rules of procedure for the conduct of its meetings and the disposal of its business.  
(2) The Chief Adviser, and in his absence his nominee, shall preside over the meetings.  
(3) The Council shall ordinarily meet at the headquarters of the State and at least once in four months.  
(4) The Secretary of the Council shall submit the agenda for a session of the Council to the President for his approval not less than twenty one days before the commencement of each session of the Council, and the president may pass such orders and give such directions concerning the agenda as he may think fit.  
(5) Copies of the proceedings of each meeting shall be submitted to the Ruler.

**Powers to suspend or dissolve the Council-**

24. The Ruler may if he considers it in the public interest so to do suspend or dissolve the Council at any time.

## **Oath of Advisers-**

25. Every Adviser shall, before taking his seat, make and subscribe before the Ruler, or some person appointed by him, an oath according to the form set in that behalf in the Schedule to this Act.

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## **Conduct of Business-**

26. (1) All executive action of the Government of the State shall be expressed to be taken the name of the Ruler.

(2) Orders and other instruments made and executed in name of the Ruler, shall be authenticated in such manner as may be specified in rulers to be made by the Ruler and the validity of an order or Instrument which is so authenticated shall not be called in question on the ground that it is not an order of instrument made or executed by the Ruler.

## **Ruler's right of pardon unaffected-**

27. Nothing in this Act shall derogate from the right of the Ruler to grant pardons, reprieves, respites or remissions of punishment.

## **Acquisition of land for Federal purposes-**

28. The Federation may, if it deems it necessary to acquire any land situated in the state for any purpose connected with a matter with respect to which the Federal Legislature has power to make laws, require the State to acquire the land on behalf of and at the expense of the Federation or, if the land belongs to the state, to transfer it to the Federation on such terms as may be agreed or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of Pakistan.

## **PART VI- HIGH COURT.**

### **High Court for the State-**

29. The Governor-General may on the request of the Ruler constitute a High Court for the State or declare any Court in any Province of Pakistan to be a High Court for the State.

## **PART VII- IMMUNITY AGAINST CIVIL AND CRIMINAL ACTIONS.**

30. No proceedings whatsoever shall lie in and no process whatsoever shall issue from any court in the State against the Ruler, against his consort or against his Heir-Apparent whether in a personal capacity or otherwise, and except with the sanction of the Governor-General no proceedings whatsoever shall lie in, and no process whatsoever shall issue from any court in the State against the Chief Adviser whether in a personal capacity or in respect of anything done or omitted to be done during his term of office in performance or purported performance of the duties thereof:-

Provided that nothing in this section shall be construed as restricting the right of any person to bring against the State such proceedings as are permissible under any law for the time being in force.